

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

Pursuant to Rules 49 and 51 of Federal Rules of Civil Procedure, Plaintiff Jean-Robert Cadet submit these additional proposed jury instructions. Plaintiff reserves the right to submit additional proposed jury instructions as warranted by the evidence, permitted by the Court and these rules of Civil Procedure.

Respectfully submitted,

s/W. Kelly Lundrigan  
W. Kelly Lundrigan (0059211)  
Rhonda S. Frey (0067343)  
**MANLEY BURKE**  
A LEGAL PROFESSIONAL ASSOCIATION  
225 West Court Street  
Cincinnati, Ohio 45202-1098  
Telephone: (513) 721-5525  
Facsimile: (513) 721-4268

**IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

Jean-Robert Cadet, : Case No. C-1-01-131  
  
Plaintiff, : (Hogan, M.J.)  
  
vs. :  
  
Madeira City School District, et al. :  
  
Defendants. :

---

**SPECIAL INTERROGATORIES**

---

1. Has the plaintiff proven, by the preponderance or greater weight of the evidence, that he was subjected to unwelcome harassment because of his race?

Yes \_\_\_\_\_ No \_\_\_\_\_

If your answer to this Interrogatory is Yes, proceed to Interrogatory No. 2. If your answer to this Interrogatory is No, go to Interrogatory No. 3.

2. Has the plaintiff proven, by the preponderance or greater weight of the evidence, that the harassment created a work environment that was both objectively and subjectively hostile or abusive?

Yes \_\_\_\_\_ No \_\_\_\_\_

Go to Interrogatory No. 3.

3. Has the plaintiff proven, by the preponderance or greater weight of the evidence, that he was subjected to disparate treatment because of his race?

Yes \_\_\_\_\_ No \_\_\_\_\_

Go to Interrogatory No. 4.

4. Has the plaintiff proven, by the preponderance or greater weight of the evidence, that the defendants intentionally discriminated against him on the basis of his race?

Yes \_\_\_\_\_ No \_\_\_\_\_

Go to Interrogatory No. 5.

5. Has the plaintiff proven, by the preponderance or greater weight of the evidence, that the defendants retaliated against him for complaining of discrimination?

Yes \_\_\_\_\_ No \_\_\_\_\_

Go to Interrogatory No. 6.

6. Has the plaintiff proven, by the preponderance or greater weight of the evidence, that the defendants violated 42 U.S.C. Section 1981 by failing to award plaintiff a contract for teaching the Quest class?

Yes \_\_\_\_\_ No \_\_\_\_\_

**If you answered Yes to Interrogatory No. 1, 2, 3, 4, 5 or 6:**

7. What compensatory damages should be awarded to plaintiff and against the defendants as a proximate result of the defendants' wrongful conduct?

\$ \_\_\_\_\_

Go to Interrogatory No. 7.

8. What punitive damages should be awarded against the defendants?

\$ \_\_\_\_\_

Please sign the Verdict Form and inform the Courtroom Deputy that you have reached a verdict.

**ALL JURORS MUST SIGN THE VERDICT**

---

---

---

---

---

Date: \_\_\_\_\_

Foreperson: \_\_\_\_\_

### **SUPERVISOR LIABILITY**

Under Ohio Revised Code Chapter 4112, a supervisor may be held jointly and/or severally liable with his/her employer for discriminatory conduct of the supervisor in violation of Chapter 4112. Individual supervisors are accountable for their own discriminatory conduct occurring in the workplace environment. A supervisor is liable as an individual if they were given authority by their employer and misused that authority in order to discriminate against or harass an employee.

You must determine whether Mr. Mate and Mr. Imhoff had supervisory authority over the Plaintiff in the terms and conditions of Plaintiff's employment, and whether Defendants Mate and Imhoff abused or misused that authority by intentionally discriminating against the Plaintiff because of Plaintiff's race under Ohio Revised Code Chapter 4112.

---

*Dantz v. Apple Ohio LLC, et.al., 2003 WL 21991346 (N.D. Ohio).*

*Genaro v. Central Transport, Inc., 84 Ohio St.3d 293 (1999).*

*McCormick v. Kmart Distribution Center, 163 F.Supp.2d 807 (N.D. Ohio, 2001).*

**CERTIFICATE OF SERVICE**

I hereby certify that on the 14<sup>th</sup> day of October, 2003, a copy of the foregoing document was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

s/W. Kelly Lundrigan  
W. Kelly Lundrigan (0059211)  
Rhonda S. Frey (0067343)  
**MANLEY BURKE**  
A LEGAL PROFESSIONAL ASSOCIATION  
225 West Court Street  
Cincinnati, Ohio 45202-1098  
Telephone: (513) 721-5525  
Facsimile: (513) 721-4268

***ATTORNEYS FOR PLAINTIFF***